

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION**

CIVIL NO. 1:07CV175

**BUNCOMBE COUNTY
BOARD OF EDUCATION,**

Petitioner,

Vs.

STUDENT A.R.,

Respondent.

TEMPORARY RESTRaining ORDER

THIS MATTER is before the Court on motion of Petitioner Buncombe County Board of Education for a temporary restraining order to enjoin the enforcement of the Individuals with Disabilities Education Act (“IDEA”), 20 U.S.C. § 1400 *et seq.*, against Petitioner regarding Respondent Student A.R., a minor, and further enjoining Respondent from attending school or being present on any property owned or operated by Petitioner. **Motion for Temporary Restraining Order, filed May 11, 2007, at 3.** Petitioner also requests this Court seal the identity of the minor student in all subsequent legal proceedings before this Court. **Motion to Seal, filed May 11, 2007, at 1.**

The undersigned finds that the information contained in the complaint, motion and the supporting evidence, including the submitted affidavits, demonstrate that Respondent poses a clear and imminent threat to the health and safety of himself, his fellow students, and faculty and staff members. Petitioner will suffer immediate and irreparable injury and loss if Respondent is not immediately prohibited from appearing on property owned or operated by Petitioner, and if Petitioner is not immediately enjoined from providing educational services for Respondent pursuant to the IDEA.

IT IS, THEREFORE, ORDERED that the Petitioner's motion to seal is **ALLOWED**, Respondent Student A.R.'s identity shall be sealed for all subsequent proceedings and documents filed before this Court;

IT IS FURTHER ORDERED that the Petitioner's motion for a temporary restraining order is **ALLOWED**, Respondent Student A.R. is temporarily enjoined from being on any property owned or operated by Petitioner Buncombe County Board of Education;

IT IS FURTHER ORDERED that Petitioner is temporarily enjoined from providing educational services for Respondent pursuant to the

Individuals with Disabilities Education Act, 20 U.S.C. § 1400 *et seq.*, and such act shall not be enforced against Petitioner;

IT IS FURTHER ORDERED that this Court shall retain jurisdiction over this matter until a hearing can be conducted regarding the need for further injunctive relief regarding Respondent's educational services;

IT IS FURTHER ORDERED that this Temporary Restraining Order shall expire within 10 days from entry of this Order, unless extended by order of this Court or by consent;

IT IS FURTHER ORDERED that the parties are to appear for a hearing on this matter on **Wednesday, May 16, 2007, at 2:00p.m., in Asheville, North Carolina;**

IT IS FURTHER ORDERED that Petitioner shall continue to serve Respondent with any additional materials related to this matter until Respondent obtains legal representation.

Signed: May 11, 2007



Lacy H. Thornburg
United States District Judge

